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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,809	07/14/2000	James Richard Wason	13679(END9-2000-0080US1)	6597

7590 01/26/2005

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/616,809		WASON, JAMES RICHARD	
	<b>Examiner</b>		<b>Art Unit</b>	
	Joshua D Campbell		2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 10/01/2004.
2. Claims 1-16 are pending in this case. Claims 1, 6, and 10 are independent claims. Claims 1, 6, and 10 have been amended. Claims 14-16 have been newly added.
3. The rejection of claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Marcos et al. further in view of Microsoft Press has been withdrawn as necessitated by amendments.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Heif*  
*1-2505*
5. Claims ~~1, 6, and 10~~<sup>1-16</sup> are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Also, all of the claims dependent on claims 1, 6, 10, which includes claims 2-5, 7-9, and 11-16, are rejected for the under the same rationale for fully incorporating the deficiencies of the parent claims.

Claims 1, 6, and 10 recites the limitation "i) reaching said pointer in said template" in line 15 of the claim. There is insufficient antecedent basis for this limitation in the claim. An earlier limitation states, "...embedding in the template a position to the macro class..." and it appears that the word position should be replaced with the word pointer to fix the indefiniteness of the claims. The claim will be examined as if the word position

Art Unit: 2179

were replaced with the word pointer in order to further prosecution. However, proper correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 3, 6, 8, 10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Inala et al. (hereinafter Inala, US Patent Number 6,199,077, filed on June 1, 1999).

**Regarding independent claim 1**, Inala discloses a method in which a template is formed that contains literal fragments of the text file (column 11, lines 35-column 14, line 65 of Inala). Inala also discloses that a macro (script) pointer (reference) is

embedded into the template for a macro, and when that pointer is reached during processing, the macro is invoked and it maps data from the text file to the application (column 11, lines 35-column 14, line 65 of Inala). The template is then used to generate a segment of an output file (column 11, lines 35-column 14, line 65 of Inala).

**Regarding dependent claim 3**, Inala discloses a method in which the macro gets data from the application and formats it into a text file (column 11, lines 35-column 14, line 65 of Inala).

**Regarding independent claim 6 and dependent claim 8**, the claims incorporate substantially similar subject matter as claim 1 and 3. Thus, the claims are rejected along the same rationale as claim 1 and 3.

**Regarding independent claim 10 and dependent claim 12**, the claims incorporate substantially similar subject matter as claim 1 and 3. Thus, the claims are rejected along the same rationale as claim 1 and 3.

### ***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 2, 4-5, 7, 9, 11, and 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Inala et al. (hereinafter Inala, US Patent Number 6,199,077, filed on June 1, 1999) in view of Kikinis (US Patent Application Publication Number 2002/0049833, filed on May 4, 1998).

**Regarding dependent claim 2,** Inala does not disclose a method in which a segment of the text file is read in and used to initiate update processing. However, Kikinis discloses a method in which a macro (script) found in the template is processed and causes the application to load real-time (updated) data from web pages to start the filling of a template (Page 2, paragraph 0017-0020 of Kikinis). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Inala with methods of Kikinis it would have allowed for up-to-date data to be catered to any users system.

**Regarding dependent claim 4,** Inala does not disclose a method in which a macro derives a template name from the invoking template in order to invoke the next template. However, Kikinis discloses a method in which a number of templates may be used to on a set of information, which is contained in the parameters of a template and executed by the application during processing (Page 15, paragraphs 0194-0196). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Inala with methods of Kikinis it would have allowed for up-to-date data to be catered to any users system.

**Regarding dependent claim 5,** Inala does not disclose a method in which an interface controller is provided to prevent structure clashes by placing text into appropriate places in a complex object structure. However, Kikinis discloses a method in which an application operates based on templates, which include details about the client's viewing device and parameters, contained within a template, regarding the client that acts as an interface controller in order to correctly provide a viewable document to

the client (Page 2, paragraph 0013 of Kikinis). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Inala with methods of Kikinis it would have allowed for up-to-date data to be catered to any users system.

**Regarding dependent claim 14**, Inala does not disclose a method in which a macro derives a template name from the invoking template in order to invoke the next template. However, Kikinis discloses a method in which a number of templates may be used to on a set of information, which is contained in the parameters of a template and executed by the application during processing (Page 15, paragraphs 0194-0196). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Inala with methods of Kikinis it would have allowed for up-to-date data to be catered to any users system.

**Regarding dependent claims 7, 9, and 15**, the claims incorporate substantially similar subject matter as claims 2, 5, and 14. Thus, the claims are rejected along the same rationale as claims 2, 5, and 14.

**Regarding dependent claims 11, 13, and 16**, the claims incorporate substantially similar subject matter as claims 2, 5, and 14. Thus, the claims are rejected along the same rationale as claims 2, 5, and 14.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection. Although the arguments are moot due to

Art Unit: 2179

the new grounds of rejection as required by the amendment, the examiner feels it is extremely important to point out that a Mark-script and a script are not to be taken as synonymous terms in the case of the Kikinis reference. As defined by Kikinis a Mark-Script could be considered to be a combination of a bookmark file and a script, while a script file as used in Kikinis is simply a script file following the definition presented in the previous rejection. Both script files and Mark-Script files are used in the teachings of Kikinis so it is important to understand for interpretation purposes anytime the word script appears it will be interpreted as defined by the definition provided in the previous rejection, which is synonymous with a macro.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,907,837

US Patent Number 5,937,412

US Patent Number 5,963,205

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

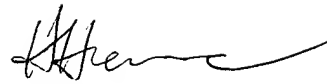
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/616,809  
Art Unit: 2179

Page 9

JDC  
January 7, 2005



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